

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

CHAD HATTEN,

Petitioner,

v.

UNITED STATES OF AMERICA,

Respondent.

Civil Action No. 07-330 Erie

**MEMORANDUM ORDER**

This petition for writ of habeas corpus was transferred from the U.S. District Court for the Southern District of Texas on December 3, 2007 and was referred to Chief United States Magistrate Judge Susan Paradise Baxter for report and recommendation in accordance with the Magistrates Act, 28 U.S.C. § 636(b)(1), and Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrates.

The Chief Magistrate Judge's Report and Recommendation, filed on February 8, 2008 [Doc. #9], recommends that leave to proceed *in forma pauperis* be denied isasmuch as it appears that Petitioner has an average monthly balance in excess of the \$5.00 filing fee required to commence this action. Petitioner was allowed ten (10) days from the date of service in which to file objections. On February 22, 2008, Petitioner filed a response [Doc. # 11] in which he indicated that he does not object to the R&R. After de novo review of the petition and documents in the case, together with the Report and Recommendation and Petitioner's response thereto, the following order is entered:

AND NOW, this 3<sup>rd</sup> day of April, 2008;

IT IS HEREBY ORDERED that Petitioner shall be denied leave to proceed *in forma pauperis* in the instant matter.

The Report and Recommendation of Chief Magistrate Judge Baxter, filed on February 8, 2008, is adopted as the opinion of the Court.

s/ Sean J. McLaughlin  
SEAN J. McLAUGHLIN  
United States District Judge

cm: Chad Hatten  
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FCI WASECA  
PO BOX 1731  
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Susan Paradise Baxter, Chief U.S. Magistrate Judge